

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

ORDER

Movant seeks relief under § 2255. He clarifies in reply that he is not seeking to set aside his plea and requesting trial. He is seeking sentencing relief, contending he is being treated less favorably than a citizen not scheduled for deportation.

Movant received a reduced sentence because of cooperation. No further reduction would have been given because of speculation about conditions in custody that might be less favorable than those used with inmates not subject to deportation. Defense counsel's inadequacy is refuted by the novelty of arguments suggested by movant, which certainly do not rise to the level of a constitutional violation.

While it may be considered unlikely that the Bureau of Prisons might be ordered to impose more equitable treatment of persons likely to be deported, that claim is not before me. Litigation, if any, would need to be pursued in the district where movant is in custody.

For the reasons outlined here, and set forth in the Government's response (Doc. 4), sentencing relief requested in Doc. 1 is hereby DENIED. A certificate of appealability will also be DENIED, leaving movant free to seek permission from the Court of Appeals.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

September 3, 2010

Kansas City, Missouri